

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANDRE LINEAR,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No.
	)	
JOSEPH CRIPPEN, Individually and as an	)	
employee and/or actual or apparent agent of TANIS	)	
TRUCKING COMPANY, TANIS TRUCKING	)	
COMPANY, a Michigan Corporation,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

NOW COME Defendants, JOSEPH CRIPPEN (“CRIPPEN”) and TANIS TRUCKING COMPANY (“TANIS”) (collectively “Defendants”), by and through their attorneys, ORLEANS CANTY NOVY, LLC, pursuant to Title 28 U.S.C. §§ 1332, 1441 and 1446, hereby file their Notice of Removal of the cause entitled *ANDRE LINEAR v. JOSEPH CRIPPEN, Individually and as an employee and/or actual or apparent agent of TANIS TRUCKING COMPANY, TANIS TRUCKING COMPANY, a Michigan Corporation*, filed in the Circuit Court of Cook County, Illinois, under case number 17 L 9233. As their grounds for removal, Defendants state as follows:

1. That Plaintiff, ANDRE LINEAR (“Plaintiff”) commenced an action against the above-referenced Defendants on or about September 13, 2017, by filing Plaintiff’s Complaint in the Circuit Court of Cook County, Illinois, under case number 17 L 9233. (See Summons and Plaintiff’s Complaint attached hereto and made a part of this Notice as Exhibit A).
2. Defendant, TANIS, first obtained notice of the lawsuit when it was served with Summons and a copy of the Complaint on October 12, 2017.

3. Defendant, CRIPPEN, first obtained notice of the lawsuit when he was served with Summons and a copy of the Complaint on October 14, 2017.

4. On November 8, 2017, Defendants, TANIS and CRIPPEN filed their Appearance, Jury Demand, Answer, and Affirmative Defenses in the Circuit Court of Cook County, Illinois. (See Appearance, Jury Demand, Answer, and Affirmative Defenses of TANIS and CRIPPEN. attached hereto and made a part of this Notice as Exhibit B).

5. 28 U.S.C. § 1332 provides that:

(a) The District Court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between

(1) citizens of different states;

(2) citizens of a State and citizens or subjects of a foreign state . . .

6. Accordingly, this action is removable under 28 U.S.C. §1441, which provides:

(a) Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending. For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.

7. Pursuant to 28 U.S.C. § 1446 this Notice of Removal is being brought within 30 days of Notice of the Lawsuit.

8. Plaintiff's Complaint alleges that Plaintiff is a citizen of Illinois. *See* Exhibit "A," ¶ 1.

9. Plaintiff's Complaint alleges that CRIPPEN is a citizen of Michigan. *See* Exhibit "A," ¶ 2.

9. Plaintiff's Complaint alleges that TANIS is a citizen of Michigan. *See* Exhibit "A," ¶ 3.

10. The Illinois Traffic Crash report states that at the time of the occurrence Plaintiff resided at 2253 Pennview Lane, Apt. C, Schaumburg, IL 60194. *See* the Illinois Traffic Crash Report made in response to the subject incident attached hereto and made a part of this Notice as Exhibit "C." Upon information and belief, Plaintiff still resides at that address.

11. As such, and pursuant to the allegations contained in Plaintiff's Complaint, Plaintiff is a citizen of the State of Illinois and was a citizen of the State of Illinois at the time of the alleged incident that is the subject incident.

12. The Illinois Traffic Crash report states that at the time of the occurrence, CRIPPEN resided at 2914 Green Meadow Dr., Jenison, Michigan 49428. *See* Exhibit "C."

13. As such, and pursuant to the allegations contained in Plaintiff's Complaint, CRIPPEN is a citizen of the State of Michigan and was a citizen of the State of Michigan at the time of the alleged incident that is the subject incident.

14. That TANIS is a corporation incorporated in the State of Michigan licensed to do business in Illinois. *See* Michigan Secretary of State listing attached hereto and made a part of this Notice as Exhibit "D." At the time of the alleged incident TANIS was a corporation incorporated in the State of Michigan. TANIS is a transportation company in the business of delivering cargo by tractor-trailer in the United States of America. Plaintiff alleges in the caption of her Complaint that TANIS is a Michigan corporation. TANIS currently has its principal place of business in Jenison, Michigan.

15. Therefore, TANIS is a citizen of the State of Missouri.

16. Consequently, diversity of citizenship exists between Plaintiff and Defendants because Plaintiff is a citizen of a different state (Illinois) than the Defendants (Michigan).

17. The State Court action is an action for civil damages by Plaintiff for personal injuries. Plaintiff does not specify a dollar amount of damages in his Complaint. Rather, Plaintiff's Complaint contained two Counts, each seeking damages in excess of the minimum jurisdiction limit of the court (\$50,000.00), of the Circuit Court of Cook County, Illinois. In this regard, Plaintiff alleges that as a result of the subject incident, he "suffered injuries of a severe and permanent nature, and has experienced and will continue to experience great pain and suffering. Moreover, as a result of the injuries sustained, [Plaintiff] has incurred and becomes liable for large sums of money in endeavoring to be cured of his injuries and will continue to incur and become liable for additional expenses in the future." *See* Exhibit "A." Therefore, although not specifically demand on the face of the complaint, Defendants make a reasonable conclusion based on the allegations of the complaint that Plaintiff's injuries are permanent, that the amount in controversy exceeds \$75,000, exclusive of interest and costs.

18. Therefore this matter is removable under 28 U.S.C. § 1332 because diversity of citizenship exists between all parties and the amount in controversy exceeds \$75,000.

WHEREFORE, Defendants, JOSEPH CRIPPEN and TANIS TRUCKING COMPANY, file their Notice of Removal, removing the State Court action from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois.

**Defendants Demand Trial by Jury.**

Respectfully submitted,

JOSEPH CRIPPEN and TANIS TRUCKING  
COMPANY,  
Defendants.

By: s/ Jason Orleans  
One of Their Attorneys

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